

United States District Court  
Northern District of California

FILED  
AUG - 7 2019

SUSAN Y. DOONG  
CLERK, U.S. DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

Jearhamel Fanaro,  
Plaintiff  
V.

Civil Action No.  
3:19-cv-0347-LB  
3247

Thomas Leon B11051,  
Defendant

\* Answer to Complaint  
By Defendant Thomas  
Leon B11051 \*

• Come Now Defendant Thomas Leon, and in response to the Complaint on file here in, deny as, admit, and allege as follows:

1) Defendant deny's acting, colluding, or being involved in any way towards deprivation of Plaintiff's Constitutional Rights, if any deprivation even ever occurred.

2). Defendant deny's ~~any~~ that plaintiff suffered any injury or assault by defendant as alleged in plaintiff's Complaint.

3). The Complaint and Each Cause of action there in fail to allege facts sufficient to constitute a cause of action.

1 4). The Complaint and Each Cause of action there  
2 in are uncertain.  
3

4 5). The Complaint and Each Cause of action therein  
5 fail to allege facts sufficient to state a claim for Punitive  
6 damages, if such damages are sought.  
7

8 6). Should plaintiff herein recover damages, that  
9 amount should be abated, apportioned and reduced to the  
10 extent that the negligence of any other person or enti-  
11 ty caused or contributed to the damages, if any there  
12 were.

13 7) Any Happenings and events, damages and injury's,  
14 if any there were, were proximately caused and contribut-  
15 ed to by the negligence of plaintiff and others, each and  
16 all of whom failed to exercise ordinary procedures and  
17 care at the times and places alleged in the Complaint.

18 8). Because the Complaint is couched in conclusory terms,  
19 all affirmative defenses that may be applicable to the  
20 with in action cannot be fully anticipated. Accordingly,  
21 the right to assert additional affirmative defenses, if  
22 and to the extent that such affirmative defenses are  
23 applicable, is reserved.

24 9). Answering Defendant has not deprived plaintiff  
25 of any right or Privilege guaranteed by the Constitution  
26 OR laws of the United States.  
27  
28

10). Answering Defendant is not liable for any act or omission of any other Defendant.

11) ~~THE~~ Honorable Court lacks Subject matter Jurisdiction over the Causes of action alleged in the Complaint herein because the allegations do not State a Cause of action for any Constitutional Tort, or any Cause of action at all.

12). The Complaint fails to State facts sufficient to constitute a Federal civil Rights violation.

13). Wherefore, Defendant prays that:

① - Judgement be rendered in favor of Defendant and against Plaintiff; And

② Plaintiff take nothing by the Complaint

③ Defendant's Name be dropped from suit; and

④ Defendant be awarded such other and further relief as the Court may deem necessary & proper.

Respect fully Submitted

Dated: July, 9<sup>TH</sup>.  
2019.

Thomas Leon Bl 1051  
Defendant.

## Declaration of Defendant

Thomas Leon Bl 1051, Pro Se.

I Declare under Penalty of Perjury that the foregoing Statements are true and correct to the best of my knowledge.

1) I am Laymen at law, Therefore not aware of All Federal Rules and Procedure's in Their accuracy.

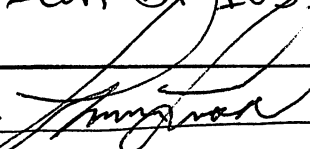
2) The Complaint Responce by defendant, My Self, Is a true and accurate Declaration by myself to This Honorable Court.

3) I am meeting the time frame as Out lined, & Ordered by this Honorable Judge, and Court.  
4) Pelican Bay Mail Has been Delayed to Mailroom Contamination / Lock Down & No Law Library

5) I am Unable to retain Counsel, due to "Indigent" Finacial Status, & Incarceration! Therefore, I am learning & Studying The Federal Rules of Civil procedure, & 42. U.S.C § 1983. Guide line's. Thank You.

\*Respectfully Submitted By:

Name: Thomas Leon Bl 1051,

Signature x 

Date: 7/9/19

**FILED**

AUG - 1 2019

**PROOF OF SERVICE BY MAIL**

BY PERSON IN STATE CUSTODY  
 (Fed. R. Civ. Proc. 5; 28 U.S.C. § 1746)

**SUSAN Y. SOONG**  
**CLERK, U.S. DISTRICT COURT**  
**NORTHERN DISTRICT OF CALIFORNIA**

I, Thomas Leon, declare: I am over eighteen (18) years of age and am a party to this action. I am a resident of Pelican Bay State Prison, in the County of Del Norte, State of California. My State Prison address is: Pelican Bay State Prison, P.O. Box 7500, Housing Unit B-9 Cell Number 107, Crescent City, CA, 95532-7500.

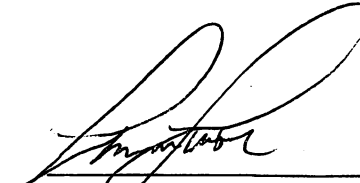
On the 9<sup>TH</sup> day of July, I served the following document(s):  
Answer to plaintiffs 42.U.S.C 1983 complaint, Case No. 3:19-cv-  
0347-LB, by myself in prose, as well as Declaration by defendant,  
myself, and Decline Notice of Magistrate Judge assignment.

On the parties herein by placing true and correct copies thereof, enclosed in a sealed envelope, with postage thereon fully paid, in the United States Mail in a receptacle so provided at Pelican Bay State Prison, Crescent City, CA, 95532, and addressed as follows:

Clerk Of Court/U.S.D.C  
450 Golden Gate Ave.  
(Northern District of California)

San Francisco, CA.  
94102.

I declare under penalty of perjury that the foregoing is true and correct.

  
 Inmate Signature

7/9/19.  
 Date



Thomas LEON CDC# BI-1051

Pelican Bay State Prison

P.O. Box - 7500. BB-#107

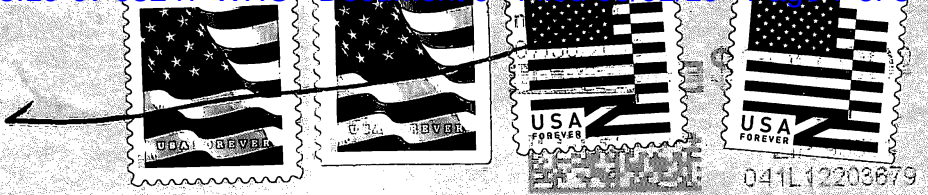
Crescent City CA. 95532

\* Legal  
Mail

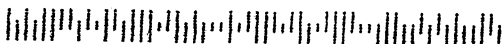
United  
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ALABAMA DEPARTMENT OF CORRECTIONS AND REHABILITATION





Clerk of THE Court  
States District Court (U.S.D.C.)  
Northern District of California  
Golden Gate Ave.  
San Francisco, CA. 94102





RECEIVED

*[Handwritten signature]*